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OFFICE OF PETITIONS

In re Application of :
Cook et al. :
Application No. 10/047,511 : DECISION GRANTING
Filed: 19 October, 2001 : PETITION
Attorney Docket No. 62967-035 :

This is a decision on the renewed petition under 37 CFR 1.53 filed on 21 August, 2002, requesting that the above-identified application be accorded a filing date of 19 October, 2001, with Page 6 of the specification as a part of the original disclosure.

The petition is **GRANTED**.

On 19 October, 2001, the application was filed.

On 15 March, 2002, the Office of Initial Patent Examination (OIPE) mailed a Notice to File Missing Parts of Nonprovisional Nonprovisional Application stating that the application had been accorded a filing date of 19 October, 2001, but that, *inter alia*, Page 6 of the specification (description and claims) appeared to have been omitted from the application. The petition filed on 15 May, 2002, was dismissed on 6 August, 2002, because petitioners had not presented persuasive evidence that Page 6 was among the application papers filed on 19 October, 2001.

In response, on 21 August, 2002, the present renewed petition was filed. Petitioners again argue that Page 6 was not missing on 19 October, 2001. Petitioners point to their postcard receipt as evidence that Page 6 of the specification was among the application papers filed on 19 October, 2001. Petitioners request that the application be accorded a filing date of 19 October, 2001, with Page 6 as a part of the original disclosure.

In support, on 21 August, 2002, a copy of petitioner's postcard receipt was supplied. The postcard receipt bears a USPTO Office date stamp dated 10/19/01 which also contains the above-identified application number and itemizes the filing of, *inter alia*, 20 pages of specification and two (2) pages of claims. The postcard receipt also identifies the application by first named inventor's name, invention title, and attorney docket number.

A review of the record reveals that Page 6 of the specification is not located among the application papers deposited on 19 October, 2001. However, the evidence is convincing that the application papers deposited on 19 October, 2001, included Page 6 of the specification and that page were subsequently misplaced in the Office. Therefore, the application, including Page 6 of the specification, is entitled to a filing date of 19 October, 2001. The "Notice" mailed on 15 March, 2002, is vacated to the extent that it stated that Page 6 of the specification appeared to have been omitted.

In view of the above, the petition is granted.

The application will be processed using the application papers filed on 19 October, 2001, and the copy of Page 6 of the specification supplied on 15 May, 2002.

The revocation and power of attorney and change of correspondence address filed on 9 September, 2002, is accepted.

The application is being returned to Initial Patent Examination Division for further processing with a filing date of 19 October, 2001, using the application papers filed on 19 October, 2001, and the copy of Page 6 of the specification (description and claims) supplied on 15 May, 2002.

Telephone inquiries should be directed to the undersigned at 703-308-6918.



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